

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

FILED

2012 MAY 11 A 11:46

U.S. DISTRICT COURT
N.D. OF ALABAMA

Melba Jo Williamson

Plaintiff,

vs.

Food Giant, Inc., d/b/a Piggly Wiggly,

Defendant.

CIVIL ACTION NO.:

CV-12-BE-1836-M

NOTICE OF REMOVAL

COMES NOW the Defendant, FOOD GIANT SUPERMARKETS, INC., who is improperly designated as Food Giant Inc., d/b/a Piggly Wiggly, and hereby files its Notice of Removal of this action from the Circuit Court of Marshall County, Alabama, to the United States District Court for the Northern District of Alabama, Middle Division. As grounds, Defendant shows unto the Court as follows:

1. A civil action was filed on or about April 11, 2012, in the Circuit Court of Marshall County, Alabama, and is now pending in said court, bearing the Civil Action No.: CV 2012-900106. A true and correct copy of the Summons and Complaint filed in said Court are attached hereto as Exhibit "A". The Complaint alleges negligence and wantonness arising out of a slip and fall accident that occurred on or about April 14, 2010, against Defendant "Food Giant, Inc., d/b/a Piggly Wiggly." The Defendant was served on April 19, 2012.

2. The Plaintiff, Melba Jo Williamson, is a resident of the State of Alabama, per her Complaint ¶ 1.

3. The Defendant, improperly designated as Food Giant, Inc., d/b/a Piggly Wiggly, is properly designated as Food Giant Supermarkets, Inc., and is incorporated under the laws of the State of Missouri, with its principal place of business in Sikeston, Missouri. (*See* Alabama Secretary of State Business Entity Details for Food Giant attached as Exhibit A). Thus, diversity exists among these parties.

4. This action is being removed pursuant to 28 U.S.C. § 1332(a) et., seq., because complete diversity exists among the parties and the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs. Removal is proper pursuant to 28 U.S.C. §1441(a). Plaintiff has alleged that in addition to bruising, contusions, physical pain and mental anguish, her “knee was badly injured.” She alleges that she sought medical treatment, and upon information and belief, contends she sustained a meniscus tear requiring surgery, as well as back injuries for which she also receives medical care. Plaintiff has also pled that the Defendant was wanton in allowing the floor to become wet so as to cause the Plaintiff’s fall, which if proven, would entitle Plaintiff to unspecified punitive damages. Plaintiff has not limited her claim for damages in any respect. It is believed that the matter in controversy thus exceeds the jurisdictional limits of this Court.

5. Removal is timely, having occurred within thirty (30) days of the date of service.

6. A true and correct copy of this Notice of Removal is being served on the attorneys representing the Plaintiff, and Notice of Filing is being provided to the Clerk of the Circuit Court of Marshall County, Alabama.

WHEREFORE, PREMISES CONSIDERED, the Defendant hereby prays that this cause be removed from the Circuit Court of Marshall County, Alabama, to the United States District Court for the Northern District of Alabama, Middle Division, according to the statutes referenced herein.

Respectfully Submitted,



Jackie H. Trimm (TRI007)
Attorney for Food Giant Supermarkets, Inc.

Starnes Davis Florie LLP
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Birmingham, AL 35259-8512
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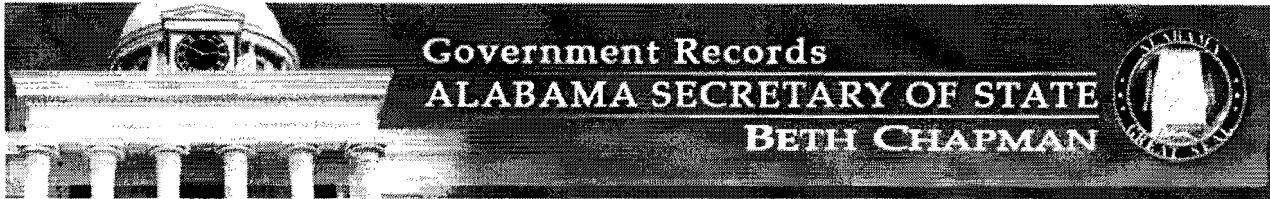
CERTIFICATE OF SERVICE

I do hereby certify that I have filed the foregoing on this the 11th day of May, 2012, with the Clerk of the Court, and I hereby certify that I have mailed by U.S. Postal Service the document to the following counsel:

Jim Beard, Esq.
Will Beard, Esq.
Beard & Beard
P. O. Box 88
Guntersville, AL 35976



OF COUNSEL

[Home](#) [Government Records](#) [Business Entities](#) [Search](#) [Details](#)**Business Entity Details**

Food Giant Supermarkets, Inc.	
Entity ID Number	916 - 726
Entity Type	Foreign Corporation
Principal Address	120 INDUSTRIAL DRIVE SIKESTON, MO 63801
Principal Mailing Address	Not Provided
Status	Exists
Place of Formation	Missouri
Formation Date	3-22-2000
Qualify Date	4-5-2000
Registered Agent Name	INCPOR SERVICES INC
Registered Office Street Address	2094 MYRTLEWOOD DR MONTGOMERY, AL 36111
Registered Office Mailing Address	Not Provided
Nature of Business	---
Capital Authorize d	
Capital Paid In	
Annual Reports	
Annual Report information is filed and maintained by the Alabama Department of Revenue. If you have questions about any of these filings, please contact Revenue's Business Privilege Tax Division at 334-242-1170 or www.ador.alabama.gov . The Secretary of State's Office cannot answer questions about or make changes to these reports.	
Report Year	1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010
Transactions	
Transaction Date	3-8-2010
Registered Agent Changed From	THE CORPORATION COMPANY 2000 INTERSTATE PARK DR STE 204 MONTGOMERY, AL 36109
Transaction Date	3-19-2010
Registered Agent Changed From	C T CORPORATION SYSTEM 2 NORTH JACKSON ST., SUITE 605 MONTGOMERY, AL 36104
Scanned Documents	
Click here to purchase copies.	
Document Date / Type / Pages	4-5-2000 Articles of Formation 2 pgs.
Document Date / Type / Pages	3-8-2010 Registered Agent Change 1 pg.
Document Date / Type / Pages	3-19-2010 Registered Agent Change 1 pg.

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Exhibit A



ELECTRONICALLY FILED
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CV-2012-900106.00
CIRCUIT COURT OF
MARSHALL COUNTY, ALABAMA
CHERYL PIERCE, CLERK

IN THE CIRCUIT COURT OF MARSHALL COUNTY, ALABAMA

CIVIL ACTION NO. CV 2012-_____

MELBA JO WILLIAMSON,

PLAINTIFF,

VS.

FOOD GIANT, INC., dba PIGGLY WIGGLY; "A" that person, firm or corporation operating as Piggly Wiggly in Guntersville, Alabama located at 1455 Sunset Drive, Guntersville, Alabama, at the time and place complained of herein; "B" that person or firm or corporation who or which owned the premises located at 1455 Sunset Drive, Guntersville, Alabama out of which Piggly Wiggly was operating at said time and place as set out herein; "C" being that person, firm or corporation who or which had the duty to maintain the premises occupied by Piggly Wiggly at 1455 Sunset Drive, Guntersville, Alabama at the time and place set out herein, all fictitious parties names are otherwise unknown at present to the Plaintiff but will be added by amendment when ascertained,

DEFENDANTS.

COMPLAINT

Comes now the Plaintiff, MELBA JO WILLIAMSON, and for cause of action against Defendants state as follows:

STATEMENT OF THE PARTIES

1. The Plaintiff herein is over the age of nineteen years and is a resident of Marshall County, Alabama.
2. Defendant Food Giant, Inc., dba Piggly Wiggly.
3. Defendant is a person, firm, corporation or other entity doing business in Marshall County, Alabama.
4. On or about April 14, 2010, Plaintiff was an invitee of Piggly Wiggly grocery store, located in Guntersville, Marshall County, Alabama.
5. On said date the Plaintiff, MELBA JO WILLIAMSON, while on the premises as an invitee, was occasioned to slip and fall as a result of a wet and slick floor.
6. Plaintiff would show that the Defendant, Piggly Wiggly, breached their duty to the Plaintiff to exercise reasonable care in providing and maintaining a reasonably safe premises for her.

7. Plaintiff further contends that the Defendant, Piggly Wiggly, failed to warn her of the danger associated with the liquid substance in the floor.

8. As a result of the fall, Plaintiff, MELBA JO WILLIAMSON, was caused to be injured as follows: she was bruised and contused about her body, her knee was badly injured, she was caused to seek medical treatment for her injuries, she was caused to suffer great physical pain and mental anguish, she was caused to be permanently injured, and has incurred medical and doctor expenses.

COUNT ONE

9. Plaintiff MELBA JO WILLIAMSON adopts and incorporates herein all of the above said claims, duties, and breaches thereof and makes said claims against Defendants "A", "B" and "C".

10. On April 14, 2010, Defendant negligently allowed the grocery store floor to become wet and slick without any warning to the public using the grocery store.

11. As a proximate consequence of the negligence of the defendant, Plaintiff MELBA JO WILLIAMSON, suffered the injuries and damages described in the paragraphs above.

WHEREFORE, Plaintiff demands judgment against the Defendant(s) in a sum to be determined by the Court to be reasonable based upon the facts in evidence produced in this case. Plaintiff also demands judgment for her costs and expenses incurred.

COUNT TWO

12. Plaintiff MELBA JO WILLIAMSON adopts and incorporates herein all of the above said claims, duties, and breaches thereof and makes said claims against Defendants "A", "B" and "C".

13. On April 14, 2010, Defendant wantonly allowed the grocery store floor to become wet and slick without any warning to the public using the grocery store.

14. As a proximate consequence of the wantonness of the defendant, Plaintiff MELBA JO WILLIAMSON, suffered the injuries and damages described in the paragraphs above.

WHEREFORE, Plaintiff demands judgment against the defendants in a sum to be determined by the Court to be reasonable based upon the facts in evidence produced in this case. Plaintiff also demands judgment for her costs, attorney's fees, and all other expenses incurred.

BEARD & BEARD
Attorneys for Plaintiff

By: /s/ Jim Beard
Jim Beard (BEA069)
P. O. Box 88
Guntersville, AL 35976

By: /s/ Will Beard
Will Beard
P. O. Box 88
Guntersville, AL 35976

Plaintiff demands a trial by struck jury of all the issues in this cause.

CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the foregoing with the Clerk of the Court using the Alafire system which will send notification of such filings to counsel who are Alafire participants and, I hereby certify that I have served a true and correct copy upon all non-Alafire participants via U.S. Mail, postage prepaid.

This the 11th day of April, 2012.

By: /s/ Jim Beard
OF COUNSEL

By: /s/ Will Beard
OF COUNSEL